



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,856	09/17/2003	Robert Choi	KRN 318C	5777

23581 7590 05/06/2005

KOLISCH HARTWELL, P.C.
520 S.W. YAMHILL STREET
SUITE 200
PORTLAND, OR 97204

EXAMINER

CARTAGENA, MELVIN A

ART UNIT	PAPER NUMBER
----------	--------------

3754

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/666,856

Applicant(s)

CHOI ET AL.

Examiner

Melvin A. Cartagena

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/16/2003.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 6-9 and 29-32 are objected to because of the following informalities: Its is suggested to inserted "to" after the word "adapted". In addition, it is suggested to insert "such" or "so" after the word "clear". Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-12, 13, 21-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,712,594 to Schneider in view of US 5,811,359 to Romanowski.

Schneider shows a liquid storage and delivery system as seen in Figs. 10-12, 14 and 20, having a multilayered container with flexible reservoir 82, a sealable fill port 83, exit ports 84 to draw fluid from the reservoir, an elongated downstream assembly 19 in fluid communication with the exit port 11, a mouth piece, see column 2, lines 32-37, fitting adapter 118, the device is packed for multiple users as seen in Figs. 11. Schneider is silent about the type of material used to make the layers of the container, which are heat-sealed. Romanowski shows a multiple layer material to make protective garments as seen in Figs. 1 and 2, the layer containing of ethylene vinyl alcohol which are resistant to chemical agents such as sarin and mustard, see column 6, lines 43-68, transparent materials can also be used, see column 1, lines 55-61. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to make the

Art Unit: 3754

device of Schneider using chemical resistant material suitable for the working environment as taught by Romanowski to properly protect the user from exposure to hazardous environments, while the user can consume nourishment liquids.

With respect to the thickness and the resistance to the chemical exposure of the layers as claimed in claims 4-9 and 29-32, It would have been obvious to a person with ordinary skill in the art at the time the invention was made to make the layers of a suitable thickness to provide adequate protection according to the level of chemical in the environment, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. As per MPEP 2144.05.

4. Claims 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,712,594 to Schneider as modify by US 5,811,359 to Romanowski as applied to claims 1 and 23 above, and further in view of US 5,074,601 to Spors.

The Schneider-Romanowski combination shows all claimed features as discussed above except for the details of the quick connector having a resilient ring engaged with a female coupling. Spors shows a quick-release connector as seen in Figs. 1-3 having a male and female members 1 and 2 respectively, a resilient ring 14, multiple grooves 10, mount 21, guard 3 and connecting ends 8 and 18. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to use the quick-connector of Spors in the device of the Schneider-Romanowski combination to reduce the time it takes to engage the protective gear with the proper attachments in an emergency to reduce the risk of espousing the user to hazardous environments.

Art Unit: 3754

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tardiff shows a softshell protective mask. Smith shows a fabric for protective garment. Croft shows a hydration system. Campbell shows a sonic welded gas mask and process. Seekens dual valve liquid transfer tube. Potash canteen for use with a gas mask. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin A. Cartagena whose telephone number is (571) 272-4924. The examiner can normally be reached on M-F (7:30AM to 4:00 PM).

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar can be reached on (571) 272-4906. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAC 5/2/05
MAC


MICHAEL MAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700